

## REMARKS

### INTRODUCTION:

In accordance with the foregoing, claims 1, 7 and 9 have been amended. Support for the claim amendments can be found at least at paragraphs [0025], [0027] and [0034] of the above-identified application and therefore no new matter has been added.

Claims 1-31 are pending and claims 1-13 are under consideration. Claims 1, 7 and 9 are independent claims. Reconsideration of the claims is respectfully requested.

### REJECTIONS UNDER 35 USC 102 & 103:

Claims 1 and 3-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by US Patent Application No. 2006/0203298 by Kuwata et al. ("Kuwata"). Claims 2 and 9-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kuwata in view of US Patent Application 2006/0203298 to Loushin et al. ("Loushin"). The rejections are respectfully traversed for at least the following reasons.

Kuwata is directed to an image processing apparatus capable of minimizing adverse side effects in adjustment of an image, e.g., adverse changes to a second portion of an image after adjustment of a first portion (pars. [0006] and [0007]). Kuwata is most easily distinguished from the above-recited claims by noting that Kuwata is similar to the conventional systems described in the *Description of the Related Art* section of the above-identified application. For example, paragraph [0003] of the above-identified application notes that a conventional system "only provides very simple options, such as a function to set a general sharpness of the image..." Paragraph [0004] describes certain graphic programs which include a level function wherein "a distribution of brightness of portions of the original image is represented by a *histogram*" (emphasis added).

Similar to the described conventional systems, Kuwata states:

The following describes an image processing technique for adjusting brightness. As in the above-mentioned case of contrast adjustment, a histogram of brightness distribution is assumed (par. [0158]).

Likewise, paragraph [0151] of Kuwata describes adjusting contrast using a histogram. Referring to FIG. 7 of Kuwata, Applicant further notes that only simplistic adjustments are provided in the processing menu 43 including up down arrows for adjusting contrast and brightness.

In addition, Loushin describes determining gamma using a histogram (col. 10, lines 4-10).

Further, amended independent claim 1 recites at least the following:

receiving the variable values as input from a user via a graphical user interface;

Kuwata and Loushin, taken separately or in combination, fail to suggest or disclose all of the above-recited features.

The Office Action asserts FIGS. 7, 9 and 10 of Kuwata illustrate at least some of the above-identified claim features. Applicant respectfully disagrees.

The above-recited claim language recites "receiving the variable values as input from a user via a graphical user interface." As claimed, "variable values compris[e] locations of first and second internal points on the color gamma curve and a gamma coefficient." Applicant first notes that none of FIGS. 7, 9 and 10 even show a "color gamma curve," let alone all of the recited features.

However, Applicant will assume for the sake of argument that FIG. 20 illustrates a "color gamma curve." Here again with respect to FIG. 20, Kuwata merely describes a simplistic technique for adjusting the image. For example, with respect to changing brightness, Kuwata states:

A degree of this correction can be adjusted gradually by clicking an up-arrow or down-arrow of the BRIGHTNESS adjustment item on the processing menu area 43 shown in FIG. 7 as many time as required at step S100 (par. [0159]).

Thus, in contrast to the above-recited claim features, in Kuwata, the only user inputs described via processing menu area 43 include the "clicking an up-arrow or down-arrow of the BRIGHTNESS adjustment." Kuwata does not illustrate or describe receiving locations of first and second internal points on the color gamma curve and a gamma coefficient as input from a user via a graphical user interface. Further, Applicant notes that Kuwata seeks to solve a completely different problem than the problem addressed by the above-claimed invention.

Loushin is directed to a system for correction and reconstruction of scanned color images. Loushin describes scaling a range of photographic film transmittance using a gamma correction curve (col. 5, lines 10-16). However, Loushin fails to mention a "graphical user interface," let alone all of the above-recited features. Consequently, Loushin fails to compensate for the deficiencies of Kuwata.

Accordingly, Applicant respectfully submits that claim 1 patentably distinguishes over Kuwata and Loushin, and should be allowable for at least the above-mentioned reasons. Since similar features recited by each of the independent claims 7 and 9, with potentially differing scope and breadth, are not suggested or disclosed by Kuwata and Loushin, the rejection should be withdrawn and claims 7 and 9 also allowed.

Further, claims 2-6, 8 and 10-13, variously depend from independent claims 1, 7 and 9, and should be allowable for at least the same reasons as claims 1, 7 and 9, as well as for the additional features recited therein.

Dependent claim 3 recites at least the following:

positioning the first internal point lower and to a left of the second internal point; and

programming the first and second internal points where the first internal point moves along the color gamma curve from left to right and from bottom to top and the second internal point moves along the color gamma curve from right to left and from top to bottom.;

Kuwata and Loushin, taken either separately or in combination, fail to suggest or disclose at least all of the above-recited features.

The Office Action asserts at page 3 that Kuwata illustrates and describes all of the above-recited features at FIGS. 20 and 27 and claims 3 and 8. However, FIG. 20 merely illustrates that "in .gamma-curve correction, entire brightness is increased when ".gamma.<1", and it is decreased when ".gamma.>1"" (par. [0159]). FIG. 27 illustrates that a tone curve may be formed according to varying degrees of color adjustment including  $\Delta R$ ,  $\Delta G$  and  $\Delta B$  [sic] (par. [0245]). Claims 3 and 8 describe "hold[ing] the correspondence relationship information in a tone curve form" and "a relationship which changes a color vividness based on the image data," respectively. Accordingly, Kuwata fails to suggest or disclose all of the above-recited features.

Loushin fails to compensate for the deficiencies of Kuwata.

Accordingly, Applicant respectfully submits that dependent claim 3 patentably distinguishes over Kuwata and Loushin, and should be allowable for at least the above-mentioned reasons. Since similar features recited by dependent claim 8, with potentially differing scope and breadth, are not suggested or disclosed by Kuwata and Loushin, the rejection should be withdrawn and claim 8 also allowed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: Dec. 20, 2007

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